

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ARISTA RECORDS, LLC, a Delaware limited liability company; et al.,

Plaintiffs,

vs.

MYXER INC., f/k/a/ mVISIBLE TECHNOLOGIES, INC. and DOES 1-10, inclusive,

Defendants.

Case No. CV 08-03935 GAF(JCx)

Hon. Gary A. Feess

[PROPOSED] ORDER GRANTING STIPULATION OF DISMISSAL OF ALL CLAIMS OF PLAINTIFF UMG RECORDINGS, INC. WITH PREJUDICE AS TO MICHAEL "MYK" WILLIS, SCOTT KINNEAR AND RON HARRIS AND WITHOUT PREJUDICE AS TO MYXER INC., BUT RETAINING JURISDICTION PENDING DISMISSAL OF MYXER INC. WITH PREJUDICE

Upon consideration of the parties' Joint Stipulation of Dismissal of All Claims of Plaintiff UMG Recordings, Inc. ("UMG") With Prejudice as to Michael "Myk" Willis, Scott Kinnear and Ron Harris and Without Prejudice as to Myxer Inc. (the "Stipulation"), and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

(1) UMG's claims against Myk Willis, Scott Kinnear and Ron Harris are dismissed with prejudice pursuant to Fed.R.Civ.Pro. 41(a), without costs or attorneys' fees to UMG and/or Defendants and with none of UMG and/or Defendants as a prevailing party;

(2) Myxer Inc. shall be dismissed without prejudice pursuant to Fed.R.Civ.Pro. 41(a), without costs or attorneys' fees to UMG and/or Defendants and with none of UMG and/or Defendants as a prevailing party. The Court shall retain jurisdiction for the limited purpose of allowing the parties to file a subsequent second stipulation, on or about ninety-one days following the filing of the Stipulation, dismissing Myxer Inc. with prejudice upon the occurrence of certain contractual conditions between the parties, as set forth in the Stipulation.

Dated: August 12, 2011

**Hon. GARY A. FEESS
U.S. District Court Judge**